

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Vincent E. Barbarino**  
**Michela I. Barbarino**  
Debtor(s)

Bankruptcy Case No.: 18-23922-CMB

Chapter: 13  
Docket No.: 56 – 52, 53  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 8/23/2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2475.00 as of 10/2021. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of the following creditor shall govern, and then following all allowed post-petition payment change notices filed of record: Roundpoint (CL #5)

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: October 18, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:  
Vincent E. Barbarino  
Michela I. Barbarino  
Debtors

Case No. 18-23922-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Oct 18, 2021

User: dsaw  
Form ID: 149

Page 1 of 3  
Total Noticed: 27

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 20, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Vincent E. Barbarino, Michela I. Barbarino, 181 Baker Drive, McKnight, PA 15237-3661
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
14926312	+ AES/PHEAA, PO Box 61047, Harrisburg, PA 17106-1047
14926313	+ Allegheny Image, 9335 McKnight Road, Pittsburgh, PA 15237-5903
14926314	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank of America, PO Box 982238, El Paso, TX 79998
14926315	+ Bank of America, N.A., PO Box 15220, Wilmington, DE 19886-5220
14945368	Bank of America, N.A., PO BOX 31785, Tampa, FL 33631-3785
14926318	++ COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477 address filed with court:, Collection Service Center, 250 Mt. Lebanon Blvd., Suite 420, Pittsburgh, PA 15122
14961087	Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
14961511	+ Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15120703	ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
14926319	+ First National Bank of Pennsylvania, 4140 E. State Street, Hermitage, PA 16148-3401
14944232	+ PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
14945812	+ RoundPoint Mortgage Servicing Corporation, 5016 Parkway Plaza Blvd Buildings 6&8, Charlotte, NC 28217-1932
14926322	+ Roundpoint Mortgage Svcs Corporation, PO Box 674150, Dallas, TX 75267-4150

TOTAL: 15

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14930317	Email/Text: Bankruptcy.RI@Citizensbank.com	Oct 18 2021 23:17:00	Citizens Bank N.A., One Citizens Bank Way, Mailstop: JCA115, Johnston, RI 02919
14926321	Email/Text: Bankruptcy.RI@Citizensbank.com	Oct 18 2021 23:17:00	RBS Citizens, N.A., 1000 Lafayette Blvd, Bridgeport, CT 06604
14961507	+ Email/Text: kborkley@bernsteinlaw.com	Oct 18 2021 23:17:00	Duquesne Light Company, c/o Bernstein-Borkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15120703	Email/Text: ECMCBKNotices@ecmc.org	Oct 18 2021 23:17:00	ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
14926316	Email/PDF: ais.chase.ebn@americaninfosource.com	Oct 18 2021 23:28:18	Chase, PO Box 15298, Wilmington, DE 19850
14926317	Email/PDF: ais.chase.ebn@americaninfosource.com	Oct 18 2021 23:28:24	Chase/Disney Rewards, PO Box 15298, Wilmington, DE 19850
14926320	+ Email/Text: PBNCNotifications@perituservices.com	Oct 18 2021 23:17:00	Kohl's Department Stores, Inc., PO Box 3115, Milwaukee, WI 53201-3115
14962508	Email/PDF: resurgentbknofications@resurgent.com	Oct 18 2021 23:28:21	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15318945	Email/Text: peritus@ebn.phinsolutions.com	Oct 18 2021 23:17:00	PERITUS PORTFOLIO SERVICES LLC, PO BOX 141419, Irving, Tx 75014-1419

District/off: 0315-2

User: dsaw

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14964815	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 18 2021 23:28:25	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14927365	+ Email/PDF: rmscedi@recoverycorp.com	Oct 18 2021 23:28:20	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14926323	+ Email/PDF: gecsed@recoverycorp.com	Oct 18 2021 23:28:24	SYNCB/Lowes, PO Box 965005, Orlando, FL 32896-5005
14926324	Email/PDF: Citi.BNC.Correspondence@citi.com	Oct 18 2021 23:28:26	The Home Depot/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497

TOTAL: 13

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		RoundPoint Mortgage Servicing Corporation
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr	*	ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408
cr	*P++	PERITUS PORTFOLIO SERVICES, PO BOX 141419, IRVING TX 75014-1419, address filed with court:, PERITUS PORTFOLIO SERVICES LLC, PO BOX 141419, Irving, Tx 75014-1419
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 1 Undeliverable, 4 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 20, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 18, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor RoundPoint Mortgage Servicing Corporation bnicholas@kmlawgroup.com
Brian C. Thompson	on behalf of Debtor Vincent E. Barbarino bthompson@ThompsonAttorney.com blemon@thompsonattorney.com;bthompson@ecf.courtdrive.com;jcastello@thompsonattorney.com;kfinke@thompsonattorney.com
Brian C. Thompson	on behalf of Joint Debtor Michela I. Barbarino bthompson@ThompsonAttorney.com blemon@thompsonattorney.com;bthompson@ecf.courtdrive.com;jcastello@thompsonattorney.com;kfinke@thompsonattorney.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Office of the United States Trustee	ustregion03.pi.ecf@usdoj.gov

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Ronda J. Winnecour

[cmecf@chapter13trusteedpa.com](mailto:cmecf@chapter13trusteedpa.com)

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC [ecfpeoples@grblaw.com](mailto:ecfpeoples@grblaw.com) [PNGbankruptcy@peoples-gas.com](mailto:PNGbankruptcy@peoples-gas.com)

TOTAL: 7